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The rule of law at the national and international levels

Report of the Sixth Committee

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I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-seventh session of the General Assembly pursuant to Assembly resolution 66/102 of 9 December 2011.

2. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 4th, 5th, 6th, 7th, 24th and 25th meetings, on 10 and 11 October and on 9 and 16 November 2012. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/67/SR.4-7, 24 and 25).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General entitled "Delivering justice: programme of action to strengthen the rule of law at the national and international levels" (A/66/749);

(b) Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/67/290).

II. Consideration of draft resolution A/C.6/67/L.9

5. At the 24th meeting, on 9 November, the representative of Liechtenstein, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/67/L.9).

6. At its 25th meeting, on 16 November, the Committee adopted draft resolution A/C.6/67/L.9, without a vote (see para. 7).

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 66/102 of 9 December 2011,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming also the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and its Member States,

Recalling paragraph 134 (e) of the 2005 World Summit Outcome,[1]

1. *Recalls* the high-level meeting of the General Assembly on the rule of law at the national and international levels, held during the high-level segment of its sixty-seventh session, and the Declaration adopted at that meeting;[2]

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[1] Resolution 60/1.

[2] Resolution 67/1.

2. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[3]

3. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

4. *Reaffirms also* the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter of the United Nations;

5. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

6. *Stresses* the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building;

7. *Reiterates its request* to the Secretary-General to ensure greater coordination and coherence among the United Nations entities and with donors and recipients, and reiterates its call for greater evaluation of the effectiveness of such activities, including possible measures to improve the effectiveness of those capacity-building activities;

8. *Calls*, in this context, for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership;

9. *Calls upon* the Secretary-General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

10. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit, under the leadership of the Deputy Secretary-General;

11. *Requests* the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution 63/128 of 11 December 2008;

12. *Recognizes* the importance of restoring confidence in the rule of law as a key element of transitional justice;

13. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

[3] A/67/290.

14. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

15. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

16. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner, and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

17. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "The rule of law at the national and international levels", and invites Member States to focus their comments in the upcoming Sixth Committee debates on the subtopics "The rule of law and the peaceful settlement of international disputes" (sixty-eighth session) and "Sharing States' national practices in strengthening the rule of law through access to justice" (sixty-ninth session).